

REMARKS:

The specification has been amended at paragraphs [0018] and [0020] to provide conformity between the specification, claims and drawings, as well as remedy the objection stated in the Action regarding misassigned reference numerals.

Claim 9 has been cancelled.

Claim 1 has been amended in response to objection and to overcome the rejections under 35 U.S.C. §103(a) and thereby placing the application in condition for allowance.

Entry is requested for new claims 10 - 12, which find support in Figure 1 and in paragraphs [0013], [0018] and [0026] of the present application. No new matter has been added by claim amendment or submission of new claims.

Claims 1 - 12 are pending in the present invention.

IN RESPONSE TO THE OFFICE ACTION:

IN THE SPECIFICATION

The Office Action indicates objection to the disclosure because of informalities in paragraph 0020, line 7, in which a spline joint 17 was incorrectly identified as element "18." Paragraph [0020] of the specification has been amended to correct the error.

CLAIMS OBJECTIONS

According to the Office Action, claim 1 is objected to because claim 1 at line 6 recites "which" whereas --said-- is preferred. Claim 1 has been amended to overcome the objection.

Amendment of claim 1 is responsive to objections included in the Office Action. Request is made for reconsideration and withdrawal of the objection in view of Applicant's remedying amendment.

REJECTION UNDER 35 U.S.C. § 103:

Claims 1 and 3 - 7 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Jirousek et al. (US 4,317,498) in view of Forster (US 5,813,938). Please note that claim 9 has not been rejected on these grounds.

Claim 1 has been amended to clarify that (a) the "wheel hub [is] fixedly connected to the planet carrier and . . . the braking device [is] arranged to brake the planet carrier relative to the static part that is arranged outside the planet carrier in the radial direction." Still further, it has been added that (b) "the race provided in the hub is located radially outside the race provided in the annular member" thereby clearly differentiating the claimed invention from the cited art. It should be noted that the first aspect listed immediately above is a general recitation of the limitations of original claim 9, which has now been cancelled in view of this amendment to claim 1.

It is respectfully asserted that none of the references of record, or appropriate combination thereof disclose, suggest or teach the invention of claim 1 as now recited. It is respectfully pointed out that in Jirousek et al., braking action slows the drive shaft relative to the annular member - not the planet carrier relative to the static part (housing) as applicant now recites. The importance of this difference is explained at paragraph [0023] of applicant's specification as originally filed, but basically, because braking is on the planet carrier, which is fixedly connected to the wheel hub, the rotational speed of the member (planet carrier) being braked is substantially slower than the rotational speed of the drive shaft (axle) in this type of planetary gear arrangement.

The fixed connection between the wheel hub and planet carrier differentiates the claimed invention over at least Kingston (US 6,090,006) where a splined connection is utilized that permits axial displacement.

The now-claimed limitation that "the race provided in the hub is located radially outside the race provided in the annular member" clearly differentiates the invention over both Kingston and Forster which do not exhibit such a feature.

Claims 2 - 8 and 10 - 12 depend either directly or indirectly from claim 1, adding further limitation thereto. As a result, these claims are allowable at least for the same reasons outlined above with respect to claim 1.

THE REFERENCES

Review of the references made of record and not relied upon indicates that they also fail to teach limitations that have been shown to differentiate the present invention from the applied references that include Jirousek et al., Kingston and Forster.

Galicher (U.S. 4,160,497) teaches a transmission and Yamazaki (JP 03-164330) teaches a mechanism for a steering wheel not a road wheel of a vehicle. Neither of these references is viewed as relevant to the present invention. Dziuba et al. appears to be better aligned in terms of area of the art but nevertheless fails to teach bearing position and the use of ball elements according to the present invention.

Applicant has made an earnest attempt to respond to all the points included in the Office Action and submits that amendment of claim 1 places the application in condition for allowance. Consequently, request is respectfully made for reconsideration of the application and notification of allowance of claims 1 - 12 in the next paper from the Office.

Serial No.: 10/709,480
Confirmation No.: 1683
Applicant: KINGSTON, Timothy
Atty. Ref.: 07589.0164.PCUS00

The undersigned representative requests any extension of time that may be deemed necessary to further the prosecution of this application.

The undersigned representative authorizes the Commissioner to charge any additional fees under 37 C.F.R. 1.16 or 1.17 that may be required, or credit any overpayment, to Deposit Account No. 14-1437, referencing Order No. 07589.0164.PCUS00.

In order to facilitate the resolution of any issues or questions presented by this paper, the Examiner should directly contact the undersigned by phone to further the discussion.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Tracy W. Druce". The signature is fluid and cursive, with the first name "Tracy" and last name "Druce" clearly distinguishable.

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